

**HOUSE . . . . . No. 4442**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Concord housing development corporation for affordable housing and open space..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Notwithstanding the provisions of sections 40E through 40J, inclusive, of  
2 chapter 7 of the General Laws or any general or special law to the contrary, the commissioner of  
3 the division of capital asset management and maintenance in consultation with the commissioner  
4 of the department of correction may convey a portion of a certain parcel of state-owned land in  
5 said town, currently under the care and control of the department of correction, to the Concord  
6 Housing Development Corporation. Said parcel has a physical address at 965 Elm Street and is  
7 referenced on a map titled “Affordable Housing and Open Space, Concord, Massachusetts” and  
8 dated January 9, 2009. Such land shall be used for housing, of which 100 per cent shall be  
9 deemed affordable housing as determined by the ranges established by the Concord Housing  
10 Development Corporation, and for public open space. The commissioner of the division of  
11 capital asset management and maintenance, in consultation with the commissioner of the  
12 department of correction, shall determine the exact boundaries of the parcel after completion of a  
13 survey. The Concord Housing Development Corporation shall acquire access to cross the former

14 railroad right-of-way abutting the parcel, shall ensure compatibility for the proposed Bruce  
15 Freeman Rail Trail to cross the parcel and shall provide a second means of access for emergency  
16 purposes. The Concord Housing Development Corporation shall ensure a clear field of view as  
17 needed for security considerations of the department of correction facility and shall have an  
18 appropriate setback from the southerly wall of the department of correction facility. The Concord  
19 Housing Development Corporation shall ensure a development setback from the river and any  
20 other dimensional setbacks required by law. This parcel shall be conveyed by deed without  
21 warranties or representations by the commonwealth.

22 SECTION 2. The consideration for the parcel shall be the full and fair market value of  
23 the parcel for the use authorized by this act, determined by the commissioner of the division of  
24 capital asset management and maintenance based upon an independent professional appraisal  
25 and including the conditions set forth in section 1; provided, however, that any costs related to  
26 remediation of the site shall be applied against the final appraised value of the parcel; and  
27 provided further that the commissioner of capital asset management and maintenance is  
28 authorized to accept the findings of a previous appraisal of the parcel conducted by an appraiser  
29 acceptable to said commissioner.

30 SECTION 3. Notwithstanding any general or special law to the contrary, the inspector  
31 general shall review and approve the appraisal required pursuant to section 2. The inspector  
32 general shall prepare a report of his review of the methodology utilized for the appraisal and  
33 shall file the report with the commissioner of the division of capital asset management and  
34 maintenance, the house and senate committees on ways and means and the joint committee on  
35 state administration and regulatory oversight. The commissioner of the division of capital asset  
36 management and maintenance shall, 30 days before the execution of any conveyance authorized

37 by this act, or any subsequent amendment thereto, submit the proposed conveyance or  
38 amendment and a report thereon to the inspector general for his review and comment. The  
39 inspector general shall issue his review and comment within 15 days of receipt of the proposed  
40 conveyance or amendment. The commissioner shall submit the proposed conveyance or  
41 amendment, and the reports and the comments of the inspector general, if any, to the house and  
42 senate committees on ways and means and the joint committee on state administration and  
43 regulatory oversight at least 15 days before execution of the conveyance.

44 SECTION 4. Notwithstanding any general or special law to the contrary, the Concord  
45 Housing Development Corporation shall be responsible for all costs and expenses of the  
46 transaction authorized by this act as determined by the commissioner of capital asset  
47 management and maintenance, including but not limited to the costs of any engineering, surveys,  
48 appraisals, and deed preparation related to the conveyance of the parcel, and shall be responsible  
49 for all costs, liabilities and expenses of any nature and kind for its ownership. The Concord  
50 Housing Development Corporation may accept funds from the Walden Woods Project in support  
51 of, and in furtherance of, the Concord Housing Development Corporation's responsibilities  
52 under this act.

53 SECTION 5. The deed or other instrument conveying the parcel to the Concord Housing  
54 Development Corporation shall, without limitation, provide that if the parcel ceases at any time  
55 to be used for the purposes set forth in this act, title to the parcel shall, at the election of the  
56 commonwealth, revert to the commonwealth.